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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,357	07/17/2003	Werner Becherer	Q75833	8905

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EXAMINER

BURGESS, BARBARA N

ART UNIT PAPER NUMBER

2157

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/620,357	<b>Applicant(s)</b> BECHERER, WERNER	
	<b>Examiner</b> Barbara N Burgess	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Brockway et al. (hereinafter "Brock", US 6,842,766 B1).

As per claims 1, 7, 14, Brock discloses a network and method comprising:

- A plurality of nodes (column 3, lines 33-35, 40-46);
- A communications channel interconnecting the nodes for data exchange between the nodes (column 3, lines 61-65);
- Wherein at least a first of the nodes is at least one of parameterized and configured by storing node-specific data (column 5, lines 12-16, 20-29, column 6, lines 12-15);
- Wherein at least a second of the nodes comprises a memory in which the node-specific data, for the at least one of parameterizing and configuring the first node, are stored (column 3, lines 47-60, column 4, lines 15-24, 47-57);
- wherein the first node, when newly connected to the network, is adapted to

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transmit the stored node-specific data to the second node (column 6, lines 12-15, 35-38);

- the second node is adapted to store the transmitted node-specific data of the first node in the memory of the second node and to transmit the node-specific data via the communications channel to the first node, for at least one of reparameterizing and reconfiguring the first node, if the first node is replacing a replaced first node or is resuming operation (column 5, lines 12-20, 35-36, 58-62, column 6, lines 16-24, 38-49);
- a port configurized to transmit the data specific to said first node from said second node to said first node (column 4, lines 1-4, 58-62, column 5, lines 38-40).

As per claim 2, Brock discloses a network as claimed in Claim 1, wherein the first node and the second node are adjacent in the network (column 3, lines 31-46).

As per claim 3, Brock discloses a network as claimed in Claim 1, wherein the first node is adapted to transmit changes in the node-specific data to the second node, in order to update memory contents (column 6, lines 12-15).

As per claim 4, Brock discloses a network as claimed in Claim 1, wherein the first node is adapted to request, when cold restarted after the first node has been connected to the network as a replacement of a node of a same type or after operability of the first node has been restored following a failure, that the second node transmit the node-specific data to the first node, for the at least one of reparameterizing and reconfiguring

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the first node, via the communications channel (column 5, lines 12-20, 35-36, 58-62, column 6, lines 16-24, 38-49).

As per claim 5, Brock discloses a node for a network having a plurality of nodes and a communications channel interconnecting the nodes, wherein, the node is adapted to be at least one of parameterized and configured by storing node-specific data, the node is adapted, when newly connected to the network, to transmit the stored node-specific data to another of the plurality of nodes of the network, and the node is adapted to request, when cold restarted after having been connected to the network as a replacement of a node of a same type or after operability of the node has been restored following a failure, that the other node transmit the node-specific data, for at least one of reparameterizing and reconfiguring the node via the communications channel (column 3, lines 33-35, 40-46, 61-65, column 4, lines 15-24, 47-57, column 5, lines 12-16, 20-29, column 6, lines 12-15).

As per claim 6, Brock discloses a node for a network having a plurality of nodes and a communications channel interconnecting the nodes, comprising a memory in which node-specific data for at least one of parameterizing and configuring another of the nodes are stored, wherein the node is adapted to store in the memory received node-specific data of the other node and to transmit the received data via the communications channel to the other node for at least one of reparameterizing and

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reconfiguring the other node when the other node is replacing a replaced other node or is resuming operation (column 3, lines 47-60, column 4, lines 15-24, 47-57).

As per claim 8, Brock discloses the method according to Claim 7, wherein the event is a restart of the first node (column 5, lines 63-67, column 6, lines 12-13).

As per claim 10, Brock discloses the method according to Claim 7, wherein the data comprise parameterization data (column 5, lines 12-20)..

As per claim 11, Brock discloses the method according to Claim 7, wherein the data comprise configuration data (column 6, lines 21-25).

As per claim 12, Brock discloses the method according to Claim 7, further comprising transmitting the data from the first node to the second node in response to another event (column 5, lines 12-16).

As per claim 13, Brock discloses the method according to Claim 12, wherein the other event is an update of the data specific to the first node (column 5, lines 33-36).

As per claim 15, Brock discloses the network according to Claim 14, wherein said second node further comprises:

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- a third memory configured to store data specific to said second node (column 3, lines 48-55).

As per claim 16, Brock discloses the network according to Claim 15, wherein said first node further comprises:

- a fourth memory configured to store data specific to said second node (column 4, lines 58-67, column 5, lines 30-37, 60-62).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brockway et al. (hereinafter "Brock", US 6,842,766 B1) in view of Kamper (US 6,654,797 B1).

As per claim 9, Brock discloses the method according to Claim 7.

Brock does not explicitly disclose wherein the event is a start of an inserted, functioning first node replacing a removed, defective first node.

However, in an analogous art, Kamper discloses backup files being restored in the event that the server has experienced a mechanical failure. The replacement server

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retrieves the configuration profile from the smart card reader. The replacement server will have the same configuration profile as the failed server (column 6, lines 52-62).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Kamper's inserted first node replacing a removed, defective first node in Brock's network in order to restore the network with a server.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0078137 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

February 19, 2005



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